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February 17, 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

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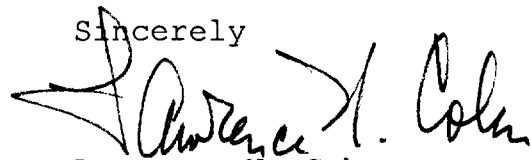
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Mr. Caton

On behalf of Washington Broadcasting Co., licensee of Station WJPA-FM, Washington, Pennsylvania, there are herewith submitted an original and five copies of its Supplement to Comments regarding MD Docket No. 95-3.

Sincerely


Lawrence N. Cohn

Enclosures

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BEFORE THE

Federal Communications Commission

In the Matter of

Assessment and Collection
of Regulatory Fees for
Fiscal Year 1995

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MD Docket NO. 95-3

To: The Commission

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FEB 17 1995

Supplement To Comments

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Washington Broadcasting Company ("Washington"), licensee of Station WJPA-FM, Washington, Pennsylvania, by its counsel, hereby requests permission to supplement the Comments which it filed with the Commission on February 13, 1995, in the above-captioned proceeding with the submission of the attached Table of Contents and Summary page.

Sections 1.49 (b) and (c) of the Rules require the filing of a table of contents and a summary for pleadings such as the Comments filed by Washington if such pleadings exceed 10 pages in length. Washington's pleading was 11 pages in length, and hence Sections 1.49 (b) and (c) are applicable.

Accordingly, Washington hereby requests permission to supplement the Comments which it timely filed with the Commission on February 13, 1995 with the enclosed Table of Contents and Summary.

Respectfully submitted

WASHINGTON BROADCASTING COMPANY

A handwritten signature in dark ink, appearing to read "Lawrence N. Cohn", written over a horizontal line.

Lawrence N. Cohn

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Dated: February 17, 1995

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Summary

Washington Broadcasting Company is the licensee of Station WJPA-FM, Washington, Pennsylvania. It believes that the proposed annual license fees for FM radio stations, as proposed by the Commission in its NPRM, is arbitrary and fundamentally unfair in two respects.

The Commission has recognized that the annual license fees for TV stations should depend, in considerable measure, upon the size of the market in which the station is located. Yet the Commission, without a single word of explanation, has proposed a fee schedule for radio stations which, for each service and class of station, is independent of the size of the Arbitron MSA market in which the station is located. In other words, the Commission has proposed that a Class A FM station in the largest Arbitron MSA should pay the same fee as a Class A FM station in the smallest Arbitron MSA. In Washington's view, the Commission's proposed treatment of TV stations is correct, and its failure to make comparable distinctions among radio stations is arbitrary and unfair.

The Commission has assumed that all radio stations within a given Arbitron MSA are actually part of the market. While for most stations this is undoubtedly the case, it is not always the case. Consider, for example, WJPA-FM which, although it is within

Washington County, Pennsylvania, and is therefore within the Pittsburgh Arbitron MSA, it is not, in any meaningful sense, part of the Pittsburgh commercial market. Its transmitter is located approximately 28 kilometers from the Pittsburgh city limits, its principal community contour does not cover any part of the city of Pittsburgh, and its principal community contour covers less than 15% of the age 12 or older population in the Pittsburgh Arbitron MSA. Washington believes that the Commission's reliance solely on Arbitron MSA limits to determine whether a station is or is not within a "market" is arbitrary and unfair. Instead, Washington believes the Commission should adopt rules which allow a radio station to request treatment as a non-market station for annual license fee purposes if it can demonstrate that (1) its transmitter is located at least 20.0 kilometers from the city limits of the primary community in the Arbitron MSA, and (2) it does not cover as much as 20% of the population 12 or over in the Arbitron MSA within its principal community contour.